

Minutes of the Special City Council Meeting and Joint Meeting with Finance Commission August 16, 2006, One Twin Pines Lane, EOC Room.

Study Session: 6:40 P.M.

Councilmembers Present: Lieberman, Feierbach, Warden (arrived 7:06 P.M.) Dickenson, Mathewson

Councilmembers Absent: None

Finance Commissioners Present: Montgomery, Melamed, Troyan, Loo, Callagy, Korn,

Dompier (left 7:00 P.M.)

Finance Commissioners Absent: None

Staff Present: Interim City Manager Belanger, Finance Director Fil, Assistant Finance Director Cheung, Associate Planner Walker, Deputy City Clerk Harrington

Council Comments

Mayor Mathewson introduced newly appointed Interim City Manager Belanger.

Discussion of Finance Commission Role and Duties

Finance Chair Korn requested direction on how the Finance Commission could assist the City Council.

Councilmember Feierbach suggested projects for the Finance Commission: review potential assessment districts for streets and storm drains, examine the annual audit, evaluate the Redevelopment Agency (RDA) for effectiveness, and study future bond issuances.

Councilmember Lieberman asked what work the Finance Commission would find interesting and how much time they would have to spend on special projects. They could serve as a sounding board for the Finance Director.

Councilmember Dickenson wanted to ensure that the Finance Commission had access to adequate resources. He suggested that as part of the Priority Calendar process the Finance Commission and City Council could align some of their priorities. Special projects could include: investigating economic

development sources, reviewing the Technology Plan, studying the Harbor Industrial Area (HIA) for land use issues, and a high level review of revenues versus expenses through the audit.

Councilmember Lieberman suggested discussing the Finance Commission role in policy versus non-policy issues. The HIA and RDA analysis would involve policy.

Mayor Mathewson noted that the Finance Commission advises the City Council. He suggested subcommittees for the HIA, RDA and undeveloped land in East Belmont.

Commissioner Montgomery suggested that the City Council refer specific priorities to the Finance Commission for input.

Commissioner Dompier left the meeting at this time being 7:00 pm.

Commissioner Loo stated that the Finance Commission has two undefined roles: 1) quasi oversight body, 2) advisors to staff and Council. He questioned the need for oversight since the audits consistently receive clean opinions. He would prefer to work in an advisory role. The Finance Commission could review staff analysis on certain issues.

Finance Director Fil stated he does not want an expectation set that could not be realistically fulfilled. He has a small department and the resources are maxed. He believes that the Commission excels at special projects such as the special fire subcommittee

Councilmember Warden arrived at this time being 7:06 pm.

Councilmember Warden suggested that the Finance Commission analyze the budget with a focus on the future. Special projects could include review of: Public Employee Retirement System costs, the Investment Policy, long term contracts, and future bonds.

Commissioner Callagy mentioned garbage rates as an example where the Commission could have reviewed the staff report in advance and advised the City Council.

Discussion ensued on the rate of Finance Commission meetings and the budget review process.

Commissioner Korn noted that one of the Finance Commission duties, per the Municipal Code, is to serve as the Audit Committee. She pointed out that under the best practices of the **Government Finance Officers Association**, the audit committee should consist of two councilmembers, a staff member, and the elected city treasurer. She suggested amending the Municipal Code to make the Finance Commission advisors to the Audit Committee.

Discussion ensued on who should serve on the Audit Committee and their responsibilities.

Finance Director Fil outlined the discussion items for follow up: the potential Audit Committee change will require a City Council ordinance, define how special projects will be routed to the Finance Commission, and refine the Finance Commission schedule for effectiveness.

Finance Commission meeting adjourned at 7:53 P.M.

Recess City Council meeting 7:53 P.M., Reconvene 8:01 P.M.

Consideration of a Resolution Appointing Interim City Manager

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Dickenson and unanimously approved by a show of hands to adopt Resolution No. 9805 authorizing an agreement with Terrence L. Belanger as Interim City Manager.

Consideration of a Resolution Approving Amendment to City Council Protocols

Councilmember Lieberman stated that he reviewed other cities' procedures and found a variety of responses. He reviewed the meeting audio tapes when the Protocols were originally adopted and thought the supermajority discussion gave the Council flexibility to amend the Protocols when they strongly favored the proposed change.

Councilmember Feierbach stated it was a different City Council in 2002 with the exception of Councilmember Warden. She thought they should review the simple majority and consider the Priority Calendar twice a year. She stated the supermajority clause was a staff control factor.

Councilmember Warden stated the Priority Calendar was meant to be a legislative aide to the Council to prioritize projects. The supermajority rule was a compromise. He does not like supermajorities and does not see a reason to use them except for eminent domain.

Councilmember Dickenson stated that the community is concerned with the perception of the modification of the Protocols to fit an agenda of three. If that is the direction of the majority it greatly concerned him. He is concerned about reducing the supermajority.

Councilmember Warden stated that the will of the majority in an elected body is good enough.

Mayor Mathewson invited the public to comment, no one came forward.

Mayor Mathewson agreed that this was an urgent issue. He quoted attorney [Michael](#) Colantuano, "if you are trying to get anything done in zoning do it before November 8 or you will be dead in the water." Mayor Mathewson stated this issue was serious enough to merit an exception to the rules.

In response to Councilmember Lieberman's suggestion that the supermajority rule be suspended in this case, Interim City Manager Belanger stated that Council would be exposing itself to potential litigation for violating its own policy.

ACTION: On a motion by Councilmember Feierbach to amend the City Council Protocols so that it does not take a supermajority to change the Priority Calendar with a six month review for effectiveness.

ACTION: Councilmember Warden suggested a friendly amendment to review the change as part of the next regular Protocol review. Councilmember Feierbach accepted this friendly amendment.

Councilmember Dickenson clarified that if it takes a simple majority to amend the protocols, the door is open and closed by a simple majority.

Council discussed the Priority Calendar process and how individual votes affect the ranking.

Councilmember Lieberman stated that the current ranking process protects the minority.

ACTION: On the original motion by Councilmember Feierbach, seconded by Councilmember Warden to adopt Resolution No. 9806 amending the City Council Protocols so that it does not take a supermajority to change the Priority Calendar and to review the change as part of the next regular Protocol review was approved by a roll call vote 3/2 (Lieberman, Dickenson no).

Consideration of Zone Text and General Plan amendments Creating a Slope/Density Requirement for Future Subdivisions in the R-1A, R-1B and R-1C Single Family Residential Zoning Districts.

Interim City Manager Belanger stated that staff was seeking direction on whether the City Council wanted this item put on the Priority Calendar as the number one priority. The resulting actions would need to be effective prior to the time Proposition 90 would be effective. He presented Council with an updated calendar of milestones which would result in the proposed ordinance effective before the November election.

Mayor Mathewson invited the public to comment, no one came forward.

Councilmember Feierbach read from the General Plan, “the lowest intensities of use should occur on the steep hillside so when the storm runoffs prevent increase erosion, avoid unstable slopes, protect vegetation and watershed and maintain scenic quality” She stated there were steep slopes throughout Belmont similar to the San Juan Canyon and Western Hills. Slope does not enter into the equation for

properties outside of those areas. She stated that it was important to do the same thing throughout the City. She read an excerpt from Proposition 90 and noted that if it had been in place before the City never would have been able to down zone the San Juan Canyon or any other area.

Councilmember Warden stated this was consistent with Measure F which had 74 percent voter approval and with the policies of the General Plan. Some of the language in Proposition 90 is difficult to interpret.

Mayor Mathewson stated that the three attorneys who presented the Proposition 90 issue at a recent League of California Cities Conference agreed that it had potentially draconian consequences for cities that did not act before the effective date.

Councilmember Dickenson stated for the record, that he agreed with Councilmember Warden that he is confused about the intent of Proposition 90. He clarified that he supported Measure F. "The zoning in Measure F was Hillside Residential Open Space (HRO). We are dealing with residential zoning which I know there is plenty of residential zoning in places which, me personally off the Council, should not be built on. This is such an incredible fast track action that I am just not comfortable with the due process and how fast it is moving. I mean, how many parcels? We looked at a lot of parcels, sliced and dice in a number of different ways. I just, with all respect, need more time that we do not have."

Councilmember Lieberman stated he would support this motion in a different time. He understood that with Proposition 90 looming, emergency action is necessary if Council wanted to do this. He did not think there was enough time for the considered thought that this required. He is reasonably comfortable with the protections in place with current zoning.

Councilmember Warden stated that if the HRO zone is too restrictive for the R1 areas then they could upzone after this ordinance but they could not downzone. He pointed out properties with institutional zoning that may want to be rezoned in the future for residential use.

Councilmember Dickenson stated that he was uncomfortable without the City Attorney or Community Development Director present to explain the mechanisms in place.

Action: On a motion by Councilmember Feierbach, seconded by Councilmember Warden to place the Zone Text and General Plan Amendments Creating a Slope/Density Requirement for Future Subdivisions

in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts as the Number One item on the Priority Calendar was approved by a roll call vote 3/2 (Lieberman/Dickenson No).

Councilmember Lieberman noted for the record that he supports slope density but does not support this schedule.

ADJOURNMENT at this time, being 9:00 P.M.

Sheila Harrington
Deputy City Clerk

Meeting Tape Recorded
Audio Recording 643
Minutes approved 9/12/2006